



UNITED STATES OF AMERICA
Federal Trade Commission
Washington, D.C. 20580

Division of Financial Practices
Bureau of Consumer Protection

VIA CM/ECF

May 17, 2024

Hon. Sarah L. Cave
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
Courtroom 18A
500 Pearl Street
New York, NY 10007

RE: *Federal Trade Commission v. Voyager Digital, LLC, et al.*, No. 1:23-cv-08960-GHW-SLC (S.D.N.Y.)

Joint Letter on the Status of Discovery

Dear Magistrate Judge Cave:

Pursuant to the Court’s April 18, 2024 Order, the Federal Trade Commission (“FTC”) and Defendant Stephen Ehrlich and Relief Defendant Francine Ehrlich (together with the FTC, “the parties”) respectfully submit the following report.

The parties have exchanged discovery requests, including requests for production, interrogatories, and initial requests for admission pursuant to the Joint Report of Rule 26(f) Conference and Case Management Plan order. The parties have exchanged written responses and objections to these discovery requests and have begun rolling production of documents, which is ongoing.

The parties have exchanged letters outlining their positions as to alleged discovery deficiencies and have met and conferred to discuss and attempt to resolve outstanding issues, and will continue to do so. Consistent with the February 20, 2024 Electronic Discovery Order, the parties have negotiated preliminary search terms to identify electronic communications and data responsive to the FTC’s discovery requests.

The FTC has received a voluminous production from settled defendant Voyager, which it expects will be processed for production to the Ehrlich Defendants by early next week. The Ehrlich Defendants are currently reviewing documents for responsiveness to the FTC’s discovery requests, and anticipate a production by the end of this week, followed by further review of additional sets of materials, some voluminous, and additional rolling productions. The FTC anticipates sending subpoenas to non-parties shortly. The Ehrlich Defendants also anticipate

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sending subpoenas to non-parties this month. The parties anticipate that they will need time to review the production from Voyager referred to above, as well as remaining discovery productions, and those from non-parties once substantially complete before noticing depositions. The parties are proceeding expeditiously, will diligently work to complete fact discovery by the August 16, 2024 deadline, and will flag any difficulties in meeting that deadline as it gets closer.

The parties are not aware of any issues requiring the Court's attention at this time, but should ongoing discovery lead to any issues, the parties will attempt in good faith to resolve the issues, and if unable to, will bring them to the Court's attention.

Respectfully submitted,

FOR PLAINTIFF:

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